

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

APPLICATION 17736 PERMIT 11552 LICENSE 7768

ORDER CORRECTING THE POINT OF DIVERSION,
THE PLACE OF USE,
AND AMENDING THE LICENSE

WHEREAS:

1. License 7768 was issued to the U.S. Eldorado National Forest, on August 3, 1966, pursuant to Application 17736; and was recorded on August 4, 1966, with the County Recorder of Amador in Book 156, Page 441.
2. State Water Resources Control Board (State Water Board) staff found that License 7768 should be corrected to conform with the point of diversion and place of use of License 12945 (Application 28205), which was inspected for license on November 5, 1992.
3. The State Water Board has determined that said correction(s) will not initiate a new right nor operate to the injury of any legal user of the water.
4. The continuing authority condition should be amended to conform to Title 23, of the California Code of Regulations, Section 780(a).

NOW, THEREFORE, IT IS ORDERED THAT:

1. The license condition regarding the Point of Diversion be amended to read:

North 160 feet and East 360 feet from S $\frac{1}{4}$ corner of Section 16, T8N, R16E, MDB&M; being within the SW $\frac{1}{4}$ of SE $\frac{1}{4}$ of said section. California Coordinate System: Zone 2, North 322,300 and East 2,510,900. (0000002)
2. The license condition regarding the Place of Use be amended to read:

At Lots 1 through 45 of Bear River Summer Home Tract of Eldorado National Forest, within SE $\frac{1}{4}$ of NE $\frac{1}{4}$ and NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Section 20; and NW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, all within T8N, R16E, MDB&M, as shown on map on file with State Water Board. (0000004)

3. The license condition regarding the State Water Board's continuing authority be amended to read:

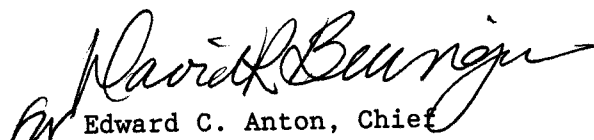
Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to: (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

The continuing authority of the Board also may be exercised by imposing further limitations on the diversion and use of water by the permittee in order to protect public trust uses. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such action is consistent with California Constitution Article X, Section 2; is consistent with the public interest and is necessary to preserve or restore the uses protected by the public trust.

(0000012)

Dated: - JUNE 15 1993


Edward C. Anton, Chief
Division of Water Rights



STATE OF CALIFORNIA—STATE WATER RIGHTS BOARD

License for Diversion and Use of Water

APPLICATION 17736

PERMIT 11552

LICENSE 7768

THIS IS TO CERTIFY, That

United States - Eldorado National Forest
Placerville
California 95667

*has made proof as of August 24, 1965,
(the date of inspection) to the satisfaction of the State Water Rights Board of a right to the use of the water of
an unnamed spring in Amador County
tributary to Cole Creek thence North Fork Mokelumne River*

*for the purpose of domestic use
under Permit 11552 of the State Water Rights Board and that said right to the use of said water has been
perfected in accordance with the laws of California, the Rules and Regulations of the State Water Rights Board and the
terms of the said permit; that the priority of the right herein confirmed dates from July 24, 1957,
and that the amount of water to which such right is entitled and hereby confirmed, for the purposes aforesaid, is limited
to the amount actually beneficially used for said purposes and shall not exceed two thousand seven hundred
(2700) gallons per day to be diverted from about May 15 to about November 30 of
each year.*

The point of diversion of such water is located :

*South one hundred sixty (160) feet and east three hundred sixty (360) feet from
N $\frac{1}{4}$ corner of Section 21, T8N, R16E, MDB&M, being within NW $\frac{1}{4}$ of NE $\frac{1}{4}$ of said
Section 21.*

A description of the lands or the place where such water is put to beneficial use is as follows:

*Within Lots 1 through 45 inclusive of Bear River Summer Home Tract of Eldorado
National Forest, being within SE $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 16 and NW $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of
NW $\frac{1}{4}$, SW $\frac{1}{4}$ of NW $\frac{1}{4}$, SE $\frac{1}{4}$ of NW $\frac{1}{4}$, NE $\frac{1}{4}$ of SW $\frac{1}{4}$ and NW $\frac{1}{4}$ of SW $\frac{1}{4}$ of Section 21, all in
T8N, R16E, MDB&M.*

*All rights and privileges under this license including method of diversion, method of use and quantity of water
diverted are subject to the continuing authority of the State Water Rights Board in accordance with law and in the
interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use or unreasonable method of
diversion of said water.*

*Reports shall be filed promptly by licensee on appropriate forms which will be provided for the purpose from time
to time by the State Water Rights Board.*

*The right hereby confirmed to the diversion and use of water is restricted to the point or points of diversion herein
specified and to the lands or place of use herein described.*

This license is granted and licensee accepts all rights herein confirmed subject to the following provisions of the Water Code:

Section 1625. Each license shall be in such form and contain such terms as may be prescribed by the board.

Section 1626. All licenses shall be under the terms and conditions of this division (of the Water Code).

Section 1627. A license shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code) but no longer.

Section 1628. Every license shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a license is issued takes the license subject to the conditions therein expressed.

Section 1629. Every licensee, if he accepts a license does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any license granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any licensee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any licensee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Section 1630. At any time after the expiration of twenty years after the granting of a license, the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State shall have the right to purchase the works and property occupied and used under the license and the works built or constructed for the enjoyment of the rights granted under the license.

Section 1631. In the event that the State, or any city, city and county, municipal water district, irrigation district, lighting district, or political subdivision of the State so desiring to purchase and the owner of the works and property cannot agree upon the purchase price, the price shall be determined in such manner as is now or may hereafter be provided by law for determining the value of property taken in eminent domain proceedings.

Dated: AUG 3 1966



L. K. Hill
L. K. Hill
Executive Officer

LICENSE 7768
STATE OF CALIFORNIA
STATE WATER RIGHTS BOARD

LICENSE
TO APPROPRIATE WATER

United States -
ISSUED TO Eldorado National Forest

DATED AUG 3 1966

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FEB 14 '66 D.S.H.